

REMARKS

This is a full and timely response to the outstanding nonfinal Office Action mailed 12/04/2008. Applicants have amended claim 1 and canceled claims 2-5, 8 and 14. Applicants have also amended the specification. Reconsideration and allowance of the application and presently pending claims 1 and 6-7 and 9 as are respectfully requested.

Claim Objections

Claim 8 was objected to because of informalities as indicated by the Examiner.

In response thereto, Applicants have amended the typographic error in the original claim 8 as suggested by the Examiner.

Discussion of Office Action Rejections

The Office Action rejected claims 1-3 under 35 U.S.C. 102(a) as being anticipated by Chen (CN 1324646A). In addition, Claims 1-9 and 14 are rejected under 103(a) as being unpatentable over Yumai Liu (CN 1095291), Liu (CN 1195537), Su (Cn1134837), Xu (CN 1252296), Golyuk (SU 917839), Gao (CN 1077896), Huang (CN 1189343), Leng (CN 1110163), Kolosovskii (SU 1793927) and Wang (CN 1146353).

Applicant have amended claim 1 with the addition of claim 8 and canceled claims 2-5, 8 and 14, and respectfully traverses the rejections for at least the reasons set forth below.

The present application provides a tea for treating dermatitis as claim 1 recites:

Claim 1. A tea for treating dermatitis, comprising: extracts obtained from lightyellow sophora root (*Sophora flavescens* Ait.), isatis leaf (*Isatis tinctoria* L.), and at

least one auxiliary material containing extracts obtained from one, two or more medicinal herbs selected from the group consisting of Japanese angelica root (*Angelica sinensis* (olive) Diels.), oldenlandia diffusa (*Oldenlandia diffusa* Roxb.), smilax glabra (*Smilax glabra* Roxb.), dried tangerine peel (*Citrus reticulate* Blanco.), wild chrysanthemum flower (*Chrysanthemum indicum* L.), corydalis (*Corydalis bulosa* DC.), peppermint (*Menthe arvensis* L.), baikal skullcap (*Scutellaria baicalensis* Georgi.), lithospermum (*Lithospermum erythrorhizon* Sieb. et Zucc.), kudingcha (*Kudingcha*), smartweed (*Polygonum cuspidatum* Sieb. et Zucc.), and licorice (*Glycyrrhiza uralensis* Fisch.),

wherein the weights of extract ingredients obtained from respective medicinal herbs per gram (g) of a tea are: lightyellow sophora root, 0.09 to 0.11 g; and isatis leaf, 0.09 to 0.11 g; and the weights of said auxiliary material are: Japanese angelica root, 0.045 to 0.055 g; oldenlandia diffusa, 0.09 to 0.11g; smilax glabra, 0.108 to 0.132 g; dried tangerine peel, 0.045 to 0.055 g; wild chrysanthemum flower, 0.09 to 0.11 g; corydalis, 0.018 to 0.022 g; peppermint, 0.09 to 0.11 g; baikal skullcap, 0.045 to 0.055 g; lithospermum, 0.009 to 0.011 g; kudingcha, 0.045 to 0.055g; smartweed, 0.09 to 0.11g; and licorice, 0.027 to 0.033 g.

Yumai Liu (CN 1095291) just discloses, the drug comprises subprostrate sophora root and isatis root. In addition, the other citations of Liu (CN 1195537), Su (Cn1134837), Xu (CN 1252296), Golyuk (SU 917839), Gao (CN 1077896), Huang (CN 1189343), Leng (CN 1110163), Kolosovskii (SU 1793927) and Wang (CN 1146353) respectively disclose other compositions. However, applicant respectively submits the prior art reference combined fail to teach the tea composition as claim 1 recites, wherein the tea comprising lightyellow sophora root, isatis leaf, Japanese angelica root, oldenlandia diffusa, smilax glabra, dried tangerine peel, wild

chrysanthemum flower, corydalis, peppermint, baikal skullcap, lighospermum, kudingcha, smartweed, and licorice. In particular, claim 1 also defines the amounts of these components which are lightyellow sophora root, 0.09 to 0.11 g; isatis leaf, 0.09 to 0.11 g; Japanese angelica root, 0.045 to 0.055 g; oldenlandia diffusa, 0.09 to 0.11g; smilax glabra, 0.108 to 0.132 g; dried tangerine peel, 0.045 to 0.055 g; wild chrysanthemum flower, 0.09 to 0.11 g; corydalis, 0.018 to 0.022 g; peppermint, 0.09 to 0.11 g; baikal skullcap, 0.045 to 0.055 g; lighospermum, 0.009 to 0.011 g; kudingcha, 0.045 to 0.055g; smartweed, 0.09 to 0.11g; and licorice, 0.027 to 0.033 g. The prior art reference fail to teach all of the components as recited in claim 1 and also fail to disclose the amounts of these components.

Accordingly it is submitted that the prior art references, taken alone or in combination, fail to teach each and every limitation of the claimed invention. As such, claim 1 is patentable over the prior references, and thus should be allowed. For at least the same reasons, dependent claims 6-7 and 9 patently define over the prior arts as a matter of law.

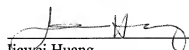
CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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